

REMARKS

Claims 1-13 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-3, drawn to a code data structure, classified in class 235, subclass 462.010;

Group II, claims 4, 6, 8, 12, 13, drawn to a reading terminal, classified in class 235, subclass 462.24;

Group III, claims 5, 7, 9, drawn to a cellular telephone integrated with other device, classified in class 455, subclass 556; and

Group IV, claims 10, 11, drawn to system controlled by data bearing record, classified in class 235, subclass 375.

For the purpose of examination of the present application, Applicants elect, with traverse, Group II, Claims 4, 6, 8, 12, 13.

Applicants hereby traverse the restriction requirement. The criteria for restriction is proper when the inventions are independent or distinct, and there is a serious burden on the examiner (M.P.E.P. § 803). Applicants submit that there is not a serious burden on the examiner. First of all, claims 1-11 have already been examined on the merits (Office Action dated January 28, 2005). Second, a search and examination of the subject matter of claim 4 is required for

claims 5 and 7. A search and examination of the subject matter of claim 8 is required for claim 9. Furthermore, the steps recited in claims 10 and 11 substantially correspond to the functions recited in claim 8. Thus, if elected claims 4 or 8 are found allowable, Applicants request that non-elected claims 5, 7, 9, 10, and 11 be considered, as well.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert W. Downs, Registration No 48,222 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

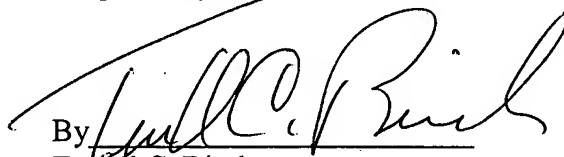
Application No.: 10/618,762

Docket No.: 1254-0230P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: August 11, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terrell C. Birch", written over a horizontal line.

By
Terrell C. Birch

Registration No.: 19,382

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Rd

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant